

### **REMARKS**

Claims 1-11 are pending. By this Amendment, Claims 1 and 5 are amended. Applicants respectfully submit that no new matter is submitted herein.

#### **Entry of Response Proper**

Entry of this Amendment is proper under 37 C.F.R. §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issues requiring further search and/or consideration on the part of the Examiner as the amendments to Claims 1 and 5 delete a previously recited feature and clarify the outer periphery of the trunnions are shaped to have a convex arc in longitudinal section, a feature not taught or suggest by the applied art of record; (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The Amendment is necessary and was not earlier presented because it is made in response to objections raised in the Final Rejection. Entry of the Amendment is thus respectfully requested.

#### **Claim Rejections – 35 U.S.C. §112, first and second paragraphs**

Claims 1-11 are rejected under 35 U.S.C. §112, first and second paragraphs. Independent Claims 1 and 5 are amended herein to be responsive to both rejections. Withdrawal of both rejections is respectfully requested.

### **Claim Rejections – 35 U.S.C. §102 & §103**

Claims 1 and 10 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 5,167,583 to Bensinger et al. (hereinafter “Bensinger”). Claims 2-9 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bensinger. Applicants respectfully traverse the rejections.

Claims 1 and 5 each recite a constant velocity universal joint including, among other features, the outer periphery of a trunnion is shaped convex arc in longitudinal section and formed, in cross section including the center of the convex arc, to make contact with an inner periphery of the support ring in a direction perpendicular to an axis of the joint, wherein a clearance is formed between the outer periphery of the trunnion and the inner periphery of the support ring in an axial direction of the joint.

Applicants note in the *Response to Arguments* section, the Office Action admits Bensinger fails to disclose or suggest such a feature by noting that while an outer periphery of the trunnion neck (11) is straight, the pivot head (5) of the trunnion (4) is not straight but rather is spherical in longitudinal section. Therefore, the outer periphery of the trunnion (4) taught by Bensinger does not have a convex arc shape in longitudinal section as the trunnion (4) has two specific types of outer peripheries, that is, one that is straight in longitudinal section, i.e., the neck (11); and one that is not straight in longitudinal section, i.e., the spherical pivot head (5).

To qualify as prior art under 35 U.S.C. §102, a reference must teach, i.e., identically describe, each feature of a rejection claim. Moreover, to establish *prima facie* obviousness, each feature of a rejected claim must be taught or suggested by the applied art. As explained above, Bensinger fails to teach or suggest each and every

feature recited by Claims 1 and 5. Therefore, Applicants respectfully submit Claims 1 and 5 are not anticipated by, or rendered obvious in view of, Bensinger. As such, Applicants respectfully submit Claims 1 and 5 should be deemed allowable.

Claims 2-4 and 6-11 depend from Claim 1 and 5. It is respectfully submitted that these dependent claims should be deemed allowable for at least the same reason(s) Claims 1 and 5 are allowable as well as for the additional subject matter recited therein.

Applicants respectfully request withdrawal of both rejections.

### **Conclusion**

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding rejections, allowance of Claims 1-11, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 100725-00113.**

Respectfully submitted,



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Enclosures: Petition for Extension of Time (1 month)

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